

# **COMMITTEE AMENDMENT FORM**

**DATE: 02/24/10**

**COMMITTEE     ZONING**

**PAGE NUM(S)**

**ORDINANCE I. D.     #10-O-0031**

**SECTION (S)**

**RESOLUTION I. D.       #10-R-**

**PARA.**

**AMENDS THE LEGISLATION BY ADDING FOUR (4) CONDITIONS ONE OF WHICH IS A SITE PLAN DATED RECEIVED BY THE BUREAU OF PLANNING OCTOBER 06, 2009.**

**AMENDMENT DONE BY COUNCIL STAFF 12/02/09.**

Municipal Clerk  
Atlanta, Georgia

**10-O-0031**

AN AMENDED ORDINANCE  
BY: ZONING COMMITTEE

**U-09-17**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of 16-08.005 (1) (f) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **PERSONAL CARE HOME**, is hereby granted. Said use is granted to **DEBORAH TURNER** and is to be located at **762 Bender Street, S.W** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 86, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or map.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**Conditions for U-09-17 for 762 Bender Street, S.W.**

1. The site plan for 762 Bender Street, received by the Bureau of Planning on October 6, 2009.
2. The special use permit shall be valid for a period of three years with Deborah L. Turner as the operator of the personal care home. The operator/owner shall be required to provide evidence of a satisfactory review by the State of Georgia to continue the operation of the facility during the stated time period.
3. The facility shall be restricted to no more than three (3) residents excluding the live-in care giver.
4. A landscaped buffer shall be planted along the southern boundary line of the subject property to provide screening for the adjacent residential use. The landscaped buffer to be approved by the Bureau of Planning.

Municipal Clerk  
Atlanta, Georgia

**10-0-0031**

AN ORDINANCE  
BY:

**U-09-17**

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SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

EXHIBIT A

V-09-17

All that tract or parcel of land lying and being in the in Land Lot 86 of the 14<sup>th</sup> District of Fulton County, Georgia, and being Parcel I on that certain plat of survey prepared for Habitat for Humanity in Atlanta, Inc., by McClung Surveying Services, Inc., Michael R. Noles, Georgia Registered Land Surveyor No. 2646, on November 11, 2002, Job #213367, and recorded in Plat Book 235, Page 88, Fulton County, Georgia Records which plat is incorporated herein and made a part hereof by reference, said property being known as 762 Bender Street, Atlanta, Georgia according to the present system of numbering houses in Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at rebar set at the southeast corner of the intersection of Stephens Street (a 50 foot right of way) and Bender Street (a 40 foot right of way); running thence South 88 degrees 37 minutes 08 seconds East along the northerly right of way line of Stephens Street toward a 10 foot alley (not open), a distance of 118.97 feet to a rebar set; running thence South 10 degrees 46 minutes 34 seconds West along the westerly line of the 10 foot alley, a distance of 54.72 feet to a rebar set; running thence North 88 degrees 36 minutes 06 seconds West a distance of 118.87 feet to a rebar set; running thence North 10 degrees 40 minutes 15 seconds East along the easterly right of way line of Bender Street a distance of 54.67 feet to the POINT OF BEGINNING, consisting of 0.147 acres or 6418 square feet more or less.

RECEIVED  
OCT -5 2009  
Bureau of  
Planning

RCS# 3397  
11/02/09  
2:25 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE            09-O-1863, 09-O-1889, 09-O-1890, 09-O-1891  
                         09-O-1892  
                         REFER

YEAS:    14  
NAYS:    0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT   1

B Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

09-0-1890  
(Do Not Write Above This Line)

First Reading  
Committee Date 09-08-2007  
Chair Bob Turner  
Referred To 09-12-2007

FINAL COUNCIL ACTION  
☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☐ RC Vote

AN ORDINANCE  
BY: ZONING COMMITTEE

U-09-17  
An Ordinance granting a Special Use Permit for a Personal Care Home pursuant to Section 6-08.005 (1) (f) for property located at **762 Bender Street, S.W.**, fronting approximately 60 feet on the east side of Bender Street, at the southeast corner of Bender Street and Stephens Street. Depth: varies. Area: approximately 0.147 acres. Land Lot 86, 14<sup>th</sup> District, Fulton County, Georgia.  
Owner: Deborah L. Turner  
Applicant: Deborah L. Turner  
NPU V Council District 4

☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER  
Date Referred 11/07/03  
Referred To: 228/30119  
Date Referred  
Referred To:  
Date Referred  
Referred To:  
Date Referred  
Referred To:

Committee		Committee	
Date		Date	
Chair		Chair	
Action Fav, Adv, Hold (see rev. side) Other		Action Fav, Adv, Hold (see rev. side) Other	
Members		Members	
Refer To		Refer To	
Committee		Committee	
Date		Date	
Chair		Chair	
Action Fav, Adv, Hold (see rev. side) Other		Action Fav, Adv, Hold (see rev. side) Other	
Members		Members	
Refer To		Refer To	

CERTIFIED

MAYOR'S ACTION